

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Daniel Garcia
A208 165 303
United States Citizen

PRINCIPAL
YOB: 1984

United States District Court
Southern District of Texas
FILED

APR 26 2015

David J. Bradley, Clerk

CRIMINAL COMPLAINT

Case Number:

M-15-0652-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 25, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Angel Mario Matamoros-Sanchez, a national of the United Mexican States, and Esvin Mardoqueo Mendez-Gabriel, a national of Guatemala, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Madero, Texas to the point of arrest near Mission, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:


On April 25, 2015, Border Patrol Agent Christopher Spiers was conducting line watch operations near in Madero, Texas when the McAllen Border Patrol Station that a concerned citizen in the Timeout Camp Ground saw an individual climb out of a dumpster and walk towards the levee road. While Agents Spiers and Hedges responded to the call a male subject driving a motorcycle stopped told agents that a vehicle was inside La Lomita Church parking lot honking its horn.

As agents approached La Lomita Church from Timeout Camp Ground, a silver Ford Expedition exited La Lomita. Agents were able see one male driver and approximately five subjects in the rear passenger compartment. Agents Spiers and Hedges then initiated a vehicle stop on said vehicle and identified the driver as Daniel Garcia, a citizen of the United States. When asked where he was coming from Garcia responded "from the Church" and when asked what he was doing at the church and Garcia responded "picking up some friends". In the vehicle, agents were able to see five male subjects in wet clothing in the rear passenger seat and a female in the front passenger seat in wet clothing as well. All passengers were found to be illegally in the United States; all subjects were transported to McAllen Station for further processing.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Sworn to before me and subscribed in my presence,

April 26, 2015
Date

8:09 PM at

Israel Perez Senior Patrol Agent
Printed Name of Complainant

McAllen, Texas
City and State

Peter E. Ormsby U. S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0652-M

RE: Daniel Garcia

A208 165 303

CONTINUATION:

Defendants Statements:

Daniel Garcia was read his Miranda rights, acknowledged understanding his rights, waived his rights to legal representation and answered all questions.

Daniel Garcia, a citizen of the United States, admitted to his involvement in alien smuggling and that his only reason for being at that location was to pick-up illegal aliens. GARCIA stated that he was told, by unnamed subject, to drive to La Lomita church, honk the horn and the aliens would get in the vehicle. GARCIA stated that he told to drive to Foy's Market in Mission, Texas, pick-up a silver Expedition and then drive to La Lomita church. After arriving at La Lomita church, Garcia honked at told to do and six subject emerged from the brush. He stated that he was going to be paid \$3,000 for transporting the aliens.

Material Witness Statements:

Material witnesses were advised and understood their Miranda Rights and also were willing to provide a sworn statement without the presence of an attorney.

Angel Mario Matamoros-Sanchez, a citizen and national of Mexico, stated that he illegally entered the United States from Mexico by crossing a river in a small raft with five other subjects. He claimed that he paid smugglers in Mexico \$1,200 USD to be smuggled to Houston, Texas. MATAMOROS stated that the smugglers in Mexico told him that his group would be picked up by a vehicle after walking a short distance in the brush. The smugglers from Mexico said they would hear a vehicle honk its horn to signal the group to get inside the vehicle. The subject stated that he waited with the five other subjects in the brush for 30 minutes to an hour before they heard a vehicle honking near them. MATAMOROS observed a gray large "SUV" waiting and entered the vehicle with the other subjects in his group. MATAMOROS was asked if he could see the driver when he entered the vehicle and stated he had seen the driver. MATAMOROS positively identified the defendant Daniel GARCIA from a photo lineup. MATAMOROS claimed that the driver of the vehicle did not say anything to anyone inside the vehicle.

Witness #2

Esvin Mardoqueo Mendez-Gabriel, a citizen and national Guatemala, stated that he illegally entered the United States with five other subjects in a raft. MENDEZ stated that he paid smugglers \$6,500 to be transported to New York. MENDEZ claimed that the group was told by smugglers in Mexico to walk in the brush and then wait to be picked up by a car. MENDEZ claimed that the smugglers said that the car would honk the horn as a signal to be picked up. MENDEZ claimed after 30 minutes to an hour a grey large vehicle came near their location and honked. MENDEZ states he was able to see the driver as he was entering the vehicle. The subject positively identified the defendant Daniel GARCIA out of a photo lineup.